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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,326		Karin Loffler	D078 1110	7007
7590	03/31/2004		EXAMINER	
James F Vaughan P O Box 725388 Atlanta, GA 31139-9388			COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 03/31/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/719,326	Applicant(s) LOFFLER, KARIN	
	Examiner Elizabeth M Cole	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23,35 and 36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23,35 and 36 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/9/03 has been entered.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-23, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinod et al, U.S. Patent No. 5,747,244 in view of Edinger et al, U.S. Patent NO. 5,932,337 as set forth in paragraph 18 of the final rejection mailed 6/13/03.

3. Applicant's arguments filed 8/15/03 and 12/9/03 have been fully considered but they are not persuasive. Applicant argues that there is no motivation found in the references to make the proposed combination of using the particular cover layer disclosed in Edinger as the cover layer in Vinod. This argument is not persuasive because Vinod teaches that the particular cover layer has advantages such as the ability to be patterned, a simple manufacturing process and enhanced mechanical properties and dirt repellant properties. See col. 3, lines 14-22 and lines 52-57; col. 4, lines 23-29. It appears that col. 4, lines 23-29 should have been cited rather col. 2, lines 23-29 as were cited in the previous office action. Therefore, Edinger provides the

motivation to employ the cover layer as the cover layer in Vinod. One of ordinary skill in the art would have been motivated to employ the cover layer of Edinger in the structure of Vinod by the expectation that using the Edinger cover layer would result in improved mechanical properties, enhanced dirt repellant properties, a simplified manufacturing process, etc. Additionally, Vinod teaches employing a PVC cover or flexible layer, (see col. 2, lines 37-42). Edinger teaches that its cover layer is useful as a substitute for PVC layers and is preferable to PVC layers because it avoid ecological problems associated with PVC while still providing desirable properties such as those set forth above. See col. 1, lines 40-46 and col. 3, lines 51-65.

4. With regard to the basis weight claimed, Applicant is correct in asserting that a variable must first be recognized as being result effective before the obviousness of optimizing the variable can be asserted. However, Vinod teaches selecting the fabric base in order to ensure it has sufficient strength, elongation, dimensional stability and puncture resistance. See col. 2, lines 15-32. The basis weight of a fabric refers to the weight of the fabric per unit area. It is clear that a fabric which has a lower basis weight would have less strength and dimensional stability than the same fabric which had a higher basis weight. Therefore, one of ordinary skill in this art would have recognized basis weight as a result effective variable. Therefore, it would have been obvious to have optimized the basis weight of the fabric in order to produce a fabric having the desired and necessary degree of strength, stability, etc., without employing a fabric with an excessively high basis weight which would be uneconomical and also would make the product too heavy.

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5. Claims 1-23, 35, 36 are objected to because of the following informalities: There is a typographical error where multilayer is written as multiplayer throughout the claims.

Appropriate correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.



Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c